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**JAN 12 2007**

**OFFICE OF PETITIONS**

In re Application of  
Pettis et al.  
Application No. 10/028988  
Filing or 371(c) Date: 12/28/2001  
Attorney Docket Number:  
500752999021

ON PETITION

This is a decision on the "Petition Under 37 C.F.R. § 1.181(a) to Withdraw Holding of Abandonment", filed October 11, 2006. The delay in treating this petition is regretted.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the non-final Office action, mailed February 9, 2006. The Office action set a three (3) month period for reply, and provided for extensions of time under 37 CFR 1.136(a). No response having been received, the application became abandoned on May 10, 2006. A Notice of Abandonment was mailed August 16, 2006.

Applicant's Assertion

Applicant files the instant petition and asserts that a timely reply to the Office action, including an amendment and an extension of time, were filed on August 9, 2006. In support of this assertion applicant files a copy of the reply, along with a copy of his return-receipt postcard which acknowledges receipt by this Office of an amendment and extension of time on August 9, 2006.

A review of Office records also reveals that the Office received an amendment, petition for a three (3) month extension of time the fee on August 9, 2006.

In view of the foregoing, the petition is granted. The holding of abandonment is hereby withdrawn.

The application will be referred to Technology Center Art Unit 3763 for continued examination in due course.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

A handwritten signature in black ink, appearing to read "Derek L. Woods".

Derek L. Woods  
Attorney  
Office of Petitions